



DPZ Office Use only:
 File No. *WP-22-043*
 Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: MAHANT WAY

Subdivision Name/Property Identification: ELKRIDGE CROSSING II

Location of property: MAHANT WAY

Existing Use: VACANT **Proposed Use:** RESIDENTIAL

Tax Map: 38 **Grid:** 20 **Parcel No:** 38 **Election District:** FIRST

Zoning District: CAC-CLI **Total site area:** 6.51 ACRES

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

S-04-011, SDP-04-017, WP-04-043, F-04-187, WP-04-150, F-06-013, F-06-005, F-05-188, F-07-132, F-08-067, SDP-07-055, F-08-192, SDP-06-078, WP-11-042, WP-13-010, WP-14-062, F-12-001, WP-15-075, ECP-19-032, WP-20-001, SDP-20-007, 14-5112-D, S-19-005, F-20-025, F-20-053, SDP-20-053, SDP-20-060, F-20-068, 14-5153-D, SDP-20-065, F-20-078, SDP-20-072, 14-5161-D, F-21-071, 14-5153-D REDLINE 1, ELKRIDGE SEC. 5 W&S.

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
Section 16.144(p)	Payment of Fees; Posting of Financial Obligations (1) Pay all required fees to the County; and (2) If subject to a developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements.
Section 16.144(q)	Final Subdivision Plat Within 180 days of the final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *B. Mehta* **Date:** 10/29/21
Signature of Petitioner Preparer: *Paul G. Cavanaugh* **Date:** Nov 1, 2021
Name of Property Owner: CHETAN B. MEHTA **Name of Petition Preparer:** FISHER, COLLINS, AND CARTER, INC.
Address: 5192 TALBOT'S LANDING **Address:** 10272 BALTIMORE NATIONAL PIKE
City, State, Zip: ELLICOTT CITY, MD 21046 **City, State, Zip:** ELLICOTT CITY, MD 21042
E-Mail: ELKRIDGEDEVELOPERS@GMAIL.COM **E-Mail:** PDOX@FCC-ENG.COM
Phone No.: 443-285-3802 **Phone No.:** 410-461-2855
Contact Person: CHETAN B. MEHTA **Contact Person:** PAUL G. CAVANAUGH, P.E.

Owner's Authorization Attached

Elkridge Crossing II
F-20-068, SDP-20-060
F-20-078, SDP-20-066
Alternative Compliance Justification

On behalf of our client, Elkridge Developers, LLC, Owner/Developer for the subject property located along the north side of MD. Route 1 east of Montgomery Road in Elkridge, Maryland, we are requesting an Alternative Compliance from the following Sections of the Howard County Subdivision and Land Development Regulations (Regulations) related to submission of documents and plans.

Section 16.144(p) Payment of Fees; Posting of Financial Obligations

- (1) Pay all required fees to the County; and
- (2) If subject to a developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements.

Section 16.144(q) Final Subdivision Plat

Within 180 days of the final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation.

Background

The existing Elkridge Crossing II subdivision has two Sketch Plans associated with it known as S-04-011 and the more recent S-19-005. Following the approach set forth under S-19-005 the 206 allocations would be phased over the course of the development. Phase I (F-20-005 and SDP-20-007) has been reviewed, approved and a Final Plat recorded. Phase II (F-20-053 and SDP-20-053) has also been reviewed, approved and a Final Plat recorded.

Under the Phase III plan (F-20-068 and SDP-20-060) and Phase IV (F-20-078 and SDP-20-066) plan the Developer has proposed some project changes in unit types and quantity of Townhome units. Collectively; we determined in our recent meeting on October 19, 2021, that a new updated Amended Sketch Plan will be required to support these plan revisions.

As a result of this new requirement for an Amended Sketch Plan we are requesting an APFO Extension for both Phase III and Phase IV. The current APFO deadline dates for both Phases to have executed the Developer's Agreements is November 23, 2021, and the APFO for Record Plats is January 22, 2022, also for both Phases. We are therefore requesting a formal extension of these two dates by twelve (12) months to provide time for the preparation, review, and approval of the new Amended Sketch Plan. Following the approval of the Amended Sketch Plan, both the Record Plats and the Site Development Plans will be reviewed for compliance with the Amended Sketch Plan.

Justification for the waiver request from **Section 16.144(p) Payment of Fees, Section 16.144(q) Final Plat Submission** is as follows:

SUBTITLE ONE, ARTICLES II AND III:

1. **“Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas;”**

Should strict adherence to the current APFO dates be applied adequate time would not be available to prepare a new Amended Sketch Plan, submit the plan and have the County review and approve the plan by November 23, 2021. Typically, within the industry the preparation of the revised plan will take a month to complete. Following the submission; the County has up to sixty days to review the plan and make comments. Additionally, the review cycle normally includes multiple reviews. The additional time is required to afford the Developer and County the right and ability to perform a complete review.

2. **“Uniqueness of the property or topographic conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations;”**

The basis for this request is not associated with any topographic conditions or constraints. The uniqueness of this property is the large size of the subdivision and the phasing of construction to help minimize short term impacts to the surrounding infrastructure. Additionally, the phasing of the project allows for the timing of homes sales and the long house construction timelines. The phasing of the project allows for the orderly development of the property and provides benefits to the surrounding community.

3. **“The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;”**

Approval of the request for an extension should not be deemed as a special privilege since Sketch Plan reviews generally take nine months to a full year. The amendment to the Sketch Plan is not unusual and extensions would be typical for applications the size of the above referenced project.

4. **“The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.”**

Approval of this APFO extension request will provided adequate industry timeframe for safe construction of the remaining infrastructure and home construction without overloading the site to mass construct the improvements immediately. The phasing of the residential construction is for the health and safety of the surrounding homeowners in the community.